

©

Government of Kerala
മുഖ്യ സംബന്ധം
2007



Reg. No. എൽ. ടി. ആർ.
KL/TV(N)/12/2006-2008

KERALA GAZETTE

കേരള ഗസറ്റ്

PUBLISHED BY AUTHORITY
ആധികാരികമായി പ്രസിദ്ധീകരിച്ചതുന്നത്

Vol. LII
വാല്യം S2

Thiruvananthapuram, Tuesday

രിച്ചാൻഥപുരം, മഹാ

13th November 2007

2007 നവംബർ 13

22nd Karthika 1929

1929 കുർണ്ണമിച്ച, 22

No.

നമ്പർ

45

PART I

Notifications and Orders issued by the Government

Labour and Rehabilitation Department Labour and Rehabilitation (A)

ORDERS

(1)

G.O. (Rt.) No. 2643/2007/LBR.

Thiruvananthapuram, 24th August 2007.

Read :—(1) G. O. (Rt.) No. 1154/07/LBR. dated 26-4-2007.

(2) Suit Notice No. HPS/H-333/07 dated 8-8-2007 from H. B. Shenoy Associates (Advocates) Ernakulam on behalf of M/s Cochin Labour Union.

(3) Judgement of the Hon'ble High Court dated 12-3-2007 in O. P. No. 442/02 (c) filed by Cochin Labour Union.

In the Government Order read as first paper above an Industrial Dispute between the Management of the Pharmaceutical Corporation (IM) Kerala (Ltd.), Thrissur and its workers represented by M/s Cochin Labour Union was referred for adjudication to the Industrial Tribunal, Palakkad on the basis of the judgement of the Hon'ble High Court dated, 12-3-2007 in O. P. No. 442/02 (c). The dispute referred to therein was in respect of the issue "Whether the demand of the 27 employees for regularization in service is justifiable or not?"

2. In the Suit Notice cited as second paper above, the petitioner has complained that through Government have referred the dispute raised over the regularization of 27 workmen employed in the Pharmaceutical Corporation (IM) Kerala (Ltd.) to the Industrial Tribunal, Palakkad vide G. O. read as 1st paper above, the dispute raised over the issue of termination of 27 workmen from the Pharmaceutical Corporation (IM) Kerala (Ltd.) has not been included in the issue referred to the Court. Therefore it has been requested that fresh orders may be issued by Government by referring the issue of termination also for adjudication so as to fully comply with the judgement of the Hon'ble High Court in O.P. No. 442 of 2002.

(3) Government have examined the matter in detail in consultation with the Labour Commissioner and has decided that the terms of reference may be modified. In the above circumstances, Government in exercise of the powers conferred by Section 10 (1) (d) of the I. D. Act, 1947 orders that issue under reference explained in the Annexure to the Government order read as first paper above, will be modified as below:

1. "Whether the demand of the employees for regularization is justifiable or not".
2. "Whether the termination of service of 27 employees by the management is justifiable or not? If not what relief they are entitled to?"
3. The Government Order read as first paper above, stands modified to the above extent.

(2)

G. O. (Rt.) No. 2736/2007/LBR.

Thiruvananthapuram, 7th September 2007.

Replies—(1) G. O. (Rt.) M11/2005/LBR dated 25-7-2005.

(2) Letter No. I (1)-10275/05 dated, 24-6-2005 from the Labour Commissioner.

(3) Representation dated, 7-2-2007 from the President, Suntac Tyres Workers Federation (INTUC), Thengaloor P. O., Thrissur.

(4) Letter No. I(4)- 4215/2007/dated, 17-5-2007 from the Labour Commissioner, Thrissur (Chaparam).

In the Government Order read as first paper above an Industrial dispute between the Executive Director, Suntac Tyres (Pvt.) Ltd., Thengaloor P. O., Thrissur and its workers represented by the President, Suntac Tyres Workers Federation (INTUC), Thengaloor P. O., Thrissur District was referred for adjudication to the Industrial Tribunal, Palakkad.

(2) In the representation read as Third paper above the President, Suntac Tyres Workers Federation (INTUC), Thengaloor P. O., Thrissur has pointed out that the name of the employee was wrongly given as Shri N. B. Surend instead of Shri N. B. Surend in the terms of reference to the Government Order read as first paper.

(2) The Labour Commissioner in his letter read as fourth paper above has also pointed the error and requested Government to correct the name of the employee as N. B. Surend in the terms of reference to the Government Order read as first paper.

(2) Government have examined the matter and are pleased to correct the name of the employee in the terms of reference to the Government Order read as first paper above as Shri N. B. Sugesh instead of Shri N. B. Surend.

(5) The Government Order read as first paper above stands modified to the above extent.

By order of the Governor,

N. G. Kumar,
Deputy Secretary to Governor.

ORDERS

(I)

G. O. (Rt.) No. 2773/2007/LBR.

Thiruvananthapuram, 12th September 2007.

Whereas, the Government are of opinion that an industrial dispute exists between Sri P. G. Vijayan, Proprietor, Hotel Karthiyayani, Ottappalam Junction, Cherthala P. O., Alappuzha and the workers of the above referred establishment (1) Sri N. Kunjuntoor, Thirumel, Parayakadu P. O., Kothimbadi,

Cherthala, (2) Sri V. Shaji, Pavila Verdu, Kumbalam P. O., Mulavara, Kollam, (3) Sri V. Remesan, Puthenveli, Pollachi P. O., Kalavoor, Alappuzha (4) Sri A. G. Amilkumar, Ambaleveli, Thalikul P. O., Cherthala, Alappuzha represented by the President, Alappuzha District Shops and Establishment Mazdoor Sangh (BMS), Cherthala P. O., Alappuzha in respect of matters mentioned in the annexure to this order;

And whereas, in the opinion of Government, it is necessary to refer the said industrial dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 10 (1) (c) of the Industrial Dispute Act of 1947 (Central Act XIV of 1947) the Government hereby direct that the said industrial dispute be referred for adjudication to the Labour Court, Kollam. The Labour Court will pass the award within a period of three months.

ANNEXURE

"Whether the denial of workers (1) Sri N. Kunjuntoor, Thirumel, Parayakadu P. O., Kothimbadi, Cherthala, (2) Sri V. Shaji, Pavila Verdu, Kumbalam P. O., Mulavara, Kollam, (3) Sri V. Remesan, Puthenveli, Pollachi P. O., Kalavoor, Alappuzha, (4) Sri A. G. Amilkumar, Ambaleveli, Thalikul P. O., Cherthala, Alappuzha by the Employer, Hotel Karthiyayani, Cherthala is justifiable? If not, what relief they are entitled to?"

(2)

G. O. (Rt.) No. 2773/2007/LBR.

Thiruvananthapuram, 12th September 2007.

Whereas, the Government are of opinion that an industrial dispute exists between Sri C. C. Anthony, s/o Chinnmar, C-1 cowathine House, Padussey, Chandal, Thrissur District and the workers of the above referred establishment Sri Unni Prabhakaran, s/o Appedathan, Valiyavettipady House, Avilappuzha, Anjar, Mundoor, Thrissur District in respect of matters mentioned in the annexure to this order;

And whereas, in the opinion of Government it is necessary to refer the said industrial dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 10 (1) (d) of the Industrial Dispute Act of 1947 (Central Act XIV of 1947) the Government hereby direct that the said industrial dispute be referred for adjudication to the Industrial Tribunal, Palakkad. The Industrial Tribunal will pass the award within a period of three months.

ANNEXURE

"Whether the denial of employment to Sri Unni Prabhakaran, handsaw operator, by the management of Mrs C. C. Brooker Timber Industries, Padussey, Chandal is justifiable? If not, what relief he is entitled to?"

(3)

G. O. (R.) No. 2776/2007/I.B.R.
Thiruvananthapuram, 12th September 2007.

Whereas, the Government are of opinion that an Industrial dispute exists between the manager, Mundakkayam Estate, Harrisons Malabar Ltd., Mundakkayam P. O.-906 313 and the workmen of the above referred establishment represented by the General Secretary, Thiru-Kochi Thottam Thozhilali Union (INTUC), Mundakkayam P. O. in respect of matters mentioned in the annexure to this order;

And whereas, in the opinion of Government it is necessary to refer the said industrial dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 10 (1) (d) of the Industrial Disputes Act of 1947 [Central Act XIV of 1947], the Government hereby direct that the said industrial dispute be referred for adjudication to the Industrial Tribunal, Thulki. The Industrial Tribunal will pass the award within a period of three months.

ANNEXURE

"Whether the dismissal of Sri K. N. Unidas C/R No. 1274, Mundakkayam Estate, by the management is justifiable or not ? If not what is the relief entitled to him?"

By order of the Governor,
Sury Iyer,
Under Secretary to Government.

- - - - -